

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
S/S Fuselage Avenue, 400 ft. W of c/l Sandhill Road
610 Fuselage Avenue
15th Election District
6th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-303-A

George U. McFadden, Jr., et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 504 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.b. (CMDP) to allow a 1 ft. 6 inch setback, in lieu of the required 11 ft. 4 inch setback, for a proposed carport and to amend the last approved final development plan for Golden Tree Section 4, Lot #408, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of March, 1992 that the Petition for a Zoning Variance from Sections 504 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.b. (CMDP) to allow a 1 ft. 6 inch setback, in lieu of the required 11 ft. 4 inch setback, for a proposed carport and to amend the last approved final development plan for Golden Tree Section 4, Lot #408, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 12, 1992

Mr. and Mrs. George U. McFadden, Jr.
610 Fuselage Avenue
Baltimore, Maryland 21221

RE: Petition for Residential Zoning Variance
Case No. 92-303-A

Dear Mr. and Mrs. McFadden:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-303-A

The undersigned, legal owner(s) of the property located in Baltimore County and which is depicted in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 504 and 301.1 (B.C.Z.R.) and V.B.6.b. (CMDP) to permit a 1 ft. 6 inch setback in lieu of the required 11 ft. 4 inch setback for a proposed carport and to amend the last approved final development plan for GoldenTree Section 4 of the Zoning Regulations of Baltimore County for the following reasons: (please describe in printed letters) Lot #408.

see Attachment "A"

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalty of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

Legal Owner(s):

George U. McFadden, Jr.

(Type or print name)

(Type or print name)

(Signature)

(Signature)

Address

Mary R. McFadden

City

(Type or print name)

State

(Signature)

Zip Code

H: 574-0231

Attorney for Petitioner:

610 Fuselage Ave W: 547-5320

(Type or print name)

Baltimore MD 21221

(Signature)

City

State

Zip Code

Address

Name, address and phone number of owner, contract purchaser or representative to be contacted.

Phone

Address

Phone

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY: DATE: 3/14/92

ESTIMATED POSTING DATE: 3/23/92 ESTIMATED CLOSING DATE: 3/25/92



ZONING COMMISSIONER OF BALTIMORE COUNTY

ITEM # 315

AFFIDAVIT

IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

610 Fuselage Avenue

That the Affiant(s) does/do presently reside at Baltimore MD 21221

City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (please describe in printed letters)

see Attachment "A"

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of January, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George U. McFadden Jr. and Mary R. McFadden

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

1/30/92

My Commission Expires: MY COMMISSION EXPIRES JULY 1, 1995

ATTACHMENT "A"

Due to the location of the dwelling, the rear yard is impacted by a steep slope located immediately to the rear of the decks shown on the plat. Due to the architecture of the dwelling, a car port on the front of the house would be unsightly. The proposed car port would be compatible with the existing roof lines of the house.

ZONING DESCRIPTION FOR #610 FUSELAGE AVENUE

Beginning at a point on the south side of Fuselage Avenue 50 Ft. wide at a distance of 378.87 Ft. west of the right of way of Sandhill Rd 60 Ft. wide being Lot #408 on Plat 2 Section 4 of the subdivision of Goldentree recorded in Plat Book #51 Folio 86 in the 15th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 3/14/92
Posted for: George U. McFadden
Petitioner: George U. McFadden
Location of property: 610 Fuselage Avenue, 400' W of c/l Sandhill Rd.
Location of Signs: Signs placed on front of property looking to property.
Remarks: Address added to sign.
Posted by: [Signature]
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4150
Number

Date

PLEASE RETURN TO THE ZONING DEPARTMENT

IF YOU HAVE ANY QUESTIONS

PLEASE CALL (410) 887-4386

PLEASE CALL (410) 887-4386

PLEASE CALL (410) 887-4386

0400:000461CHRC \$60.00
64 000512AND2-04-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

111 West Chesapeake Avenue
Towson, MD 21204

February 25, 1992

(410) 887-3353

George U. McFadden, Jr. and Mary R. McFadden
610 Fuselage Avenue
Baltimore, Maryland 21221

Re: CASE NUMBER: 92-303-A
LOCATION: S/S Fuselage Avenue, 400' W of c/l Sandhill Road
610 Fuselage Avenue
15th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 23, 1992. The closing date is March 9, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

LAWRENCE E. SCHMIDT
Zoning Commissioner, Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
March 2, 1992

Mr. & Mrs. George U. McFadden
610 Fuselage Avenue
Baltimore, MD 21221

RE: Item No. 315, Case No. 92-303-A
Petitioner: George U. McFadden, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. McFadden:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: March 2, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Your petition has been received and accepted for filing this
4th day of February, 1992.

Arnold Jablon
DIRECTOR

Received By:

W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: George U. McFadden, et ux

Petitioner's Attorney:

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500
(301) 887-4500
FEBRUARY 12, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GEORGE U. MCFADDEN, JR. AND MARY R. MCFADDEN

Location: #610 FUSILLAGE AVENUE

Item No.: 315 Zoning Agenda: FEBRUARY 18, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JP/BEK

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: February 25, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for February 18, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 315, 317 and 319.

For Item 306, this site must be submitted through the minor subdivision process for review and comments.

For Item 308, the highway widening is not shown on the plan as per record plat EHK, Jr. 53/121. The lot area would decrease .017 acre.

For Item 313, the area shown as being conveyed from Lot 7 to Lot 8 is a portion of an existing County easement (RW86-140-11). An existing 15-inch public drain is within this easement and in close proximity to the wall shown on the plat. This wall should be relocated beyond the limits of the easement.

For Item 314, this site is subject to the previous County Review Group comments.

For Item 316, this site must be submitted through the minor subdivision process for review and comment. The proposed right-of-way width from the site to Holly Neck Road is 50 feet.

For Item 320, Middleborough Road is proposed as a 60-foot right-of-way and Sassafras Road is proposed as a 50-foot right-of-way. A 10-foot widening is requested along these frontages.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management
FROM: A. J. Haley, Deputy Director
Economic Development Commission
DATE: February 14, 1992
RE: Zoning Advisory Comments for Meeting of February 18, 1992

This office has no comment for items 306, 308, 313, 314, 315, 316, 317, 319 and 320.

RECEIVED
FEB 20 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 12, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: February 18, 1992

This office has no comments for item numbers 306, 308, 313, 314, 315, 317, 319 and 320.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
MAR 16 1992
ZONING OFFICE

DATE: 2/3/92

The Society
of CPCE
92-303-A

TO WHOM IT MAY CONCERN

THIS MEMO WILL SERVE TO ADVISE THAT
WE DO NOT OPPOSE THE ZONING VARIANCE
BEING APPLIED FOR BY GEORGE U. &

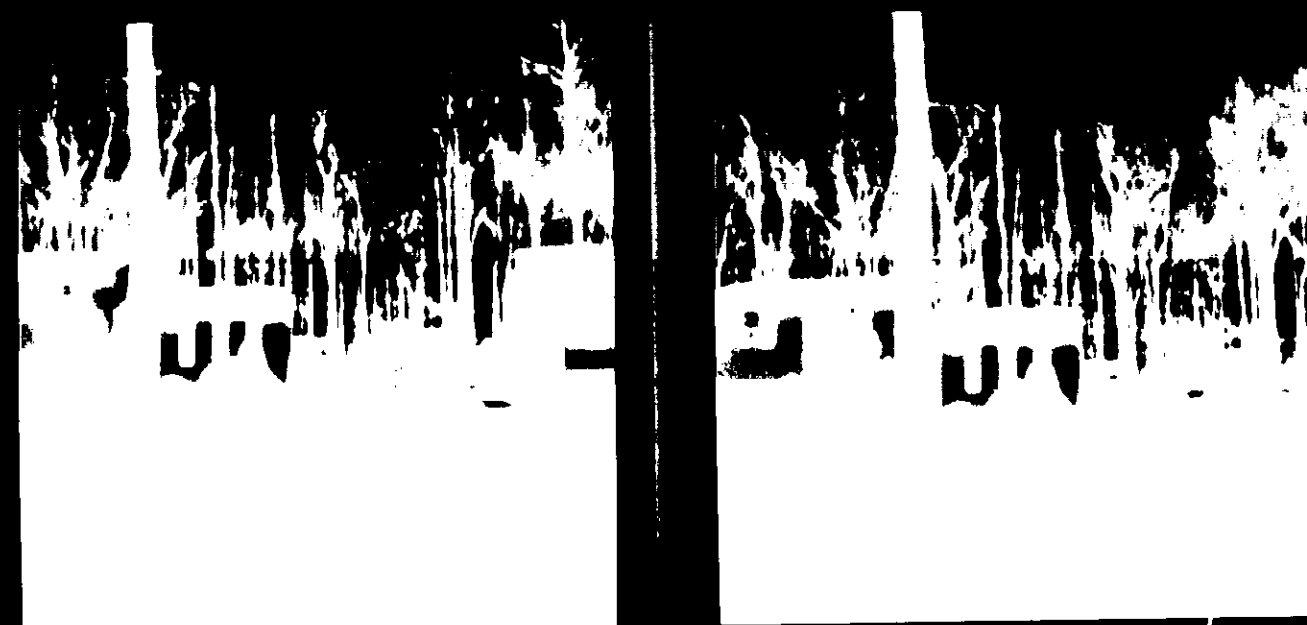
MARY R. MCFADDEN, 610 FUSELAGE AVE,
FOR A 24' x 15 1/2' OPEN PROJECTION
(GAR PORT) AS DESCRIBED ON THE

ENCLOSED APPLICATION.

John & Smith, Inc.
608 FUSELAGE AVE
BALTO MD 21221

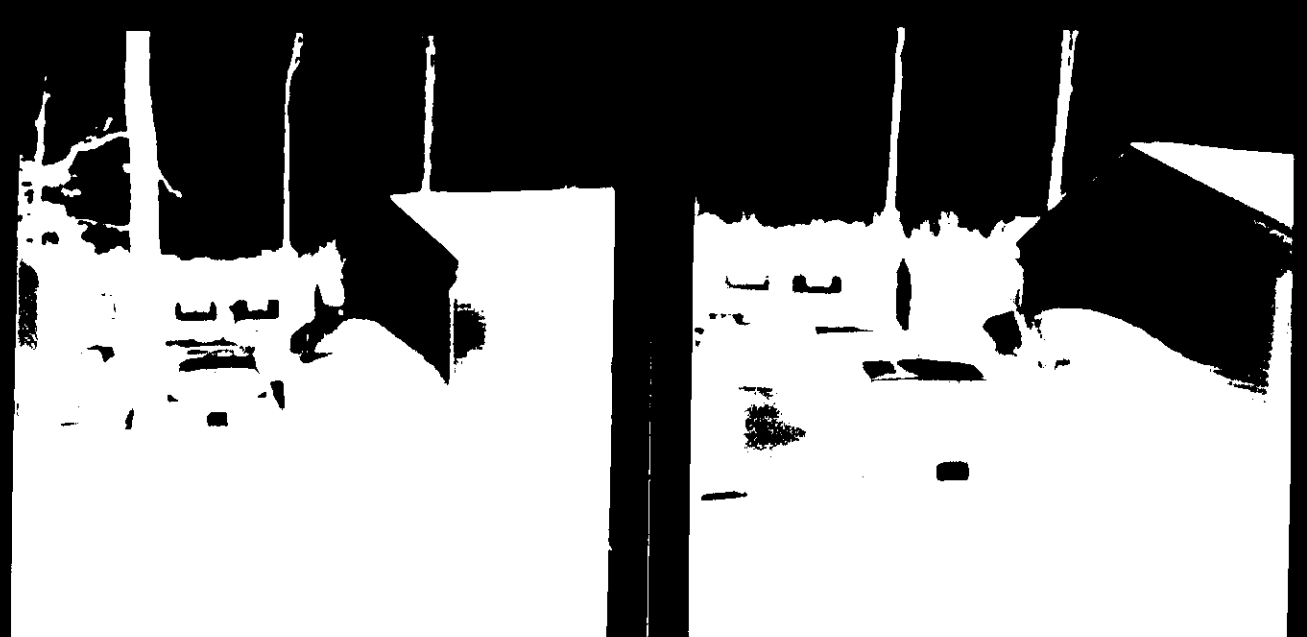
#315

92-303-A



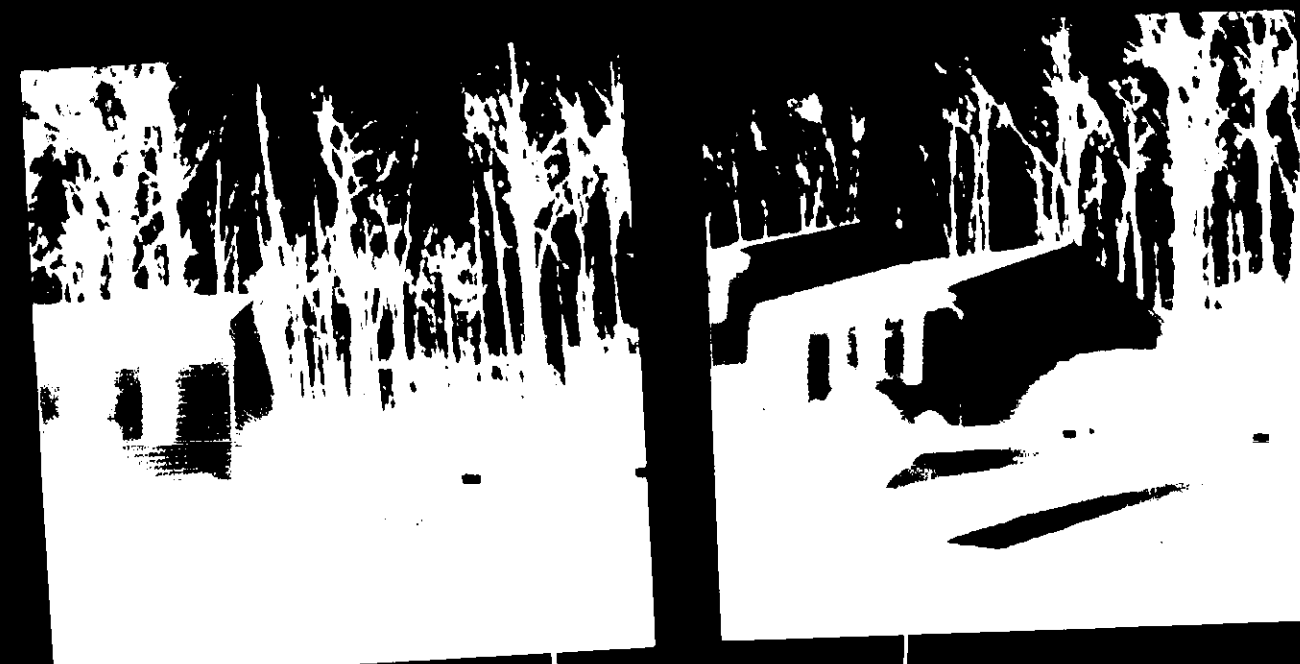
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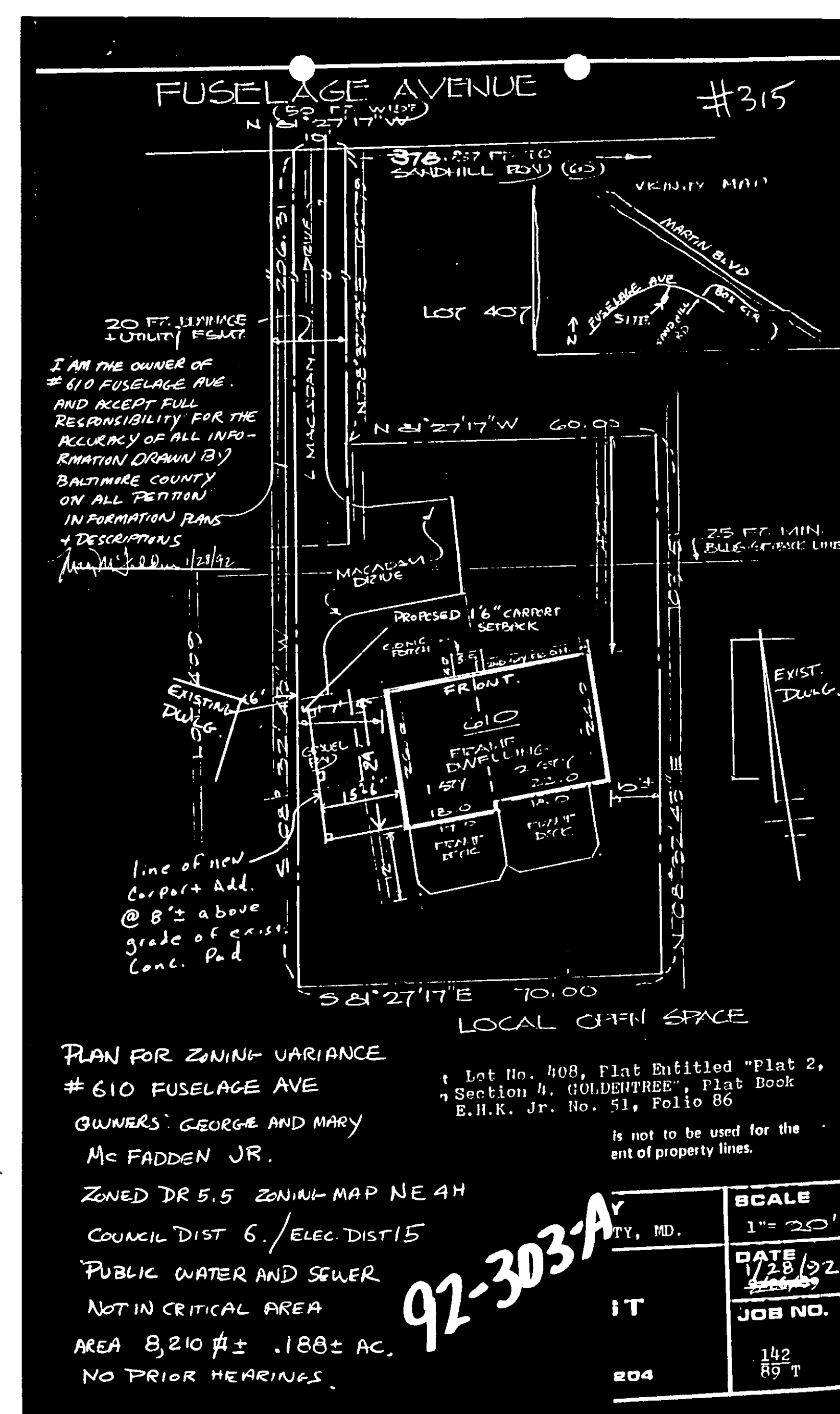


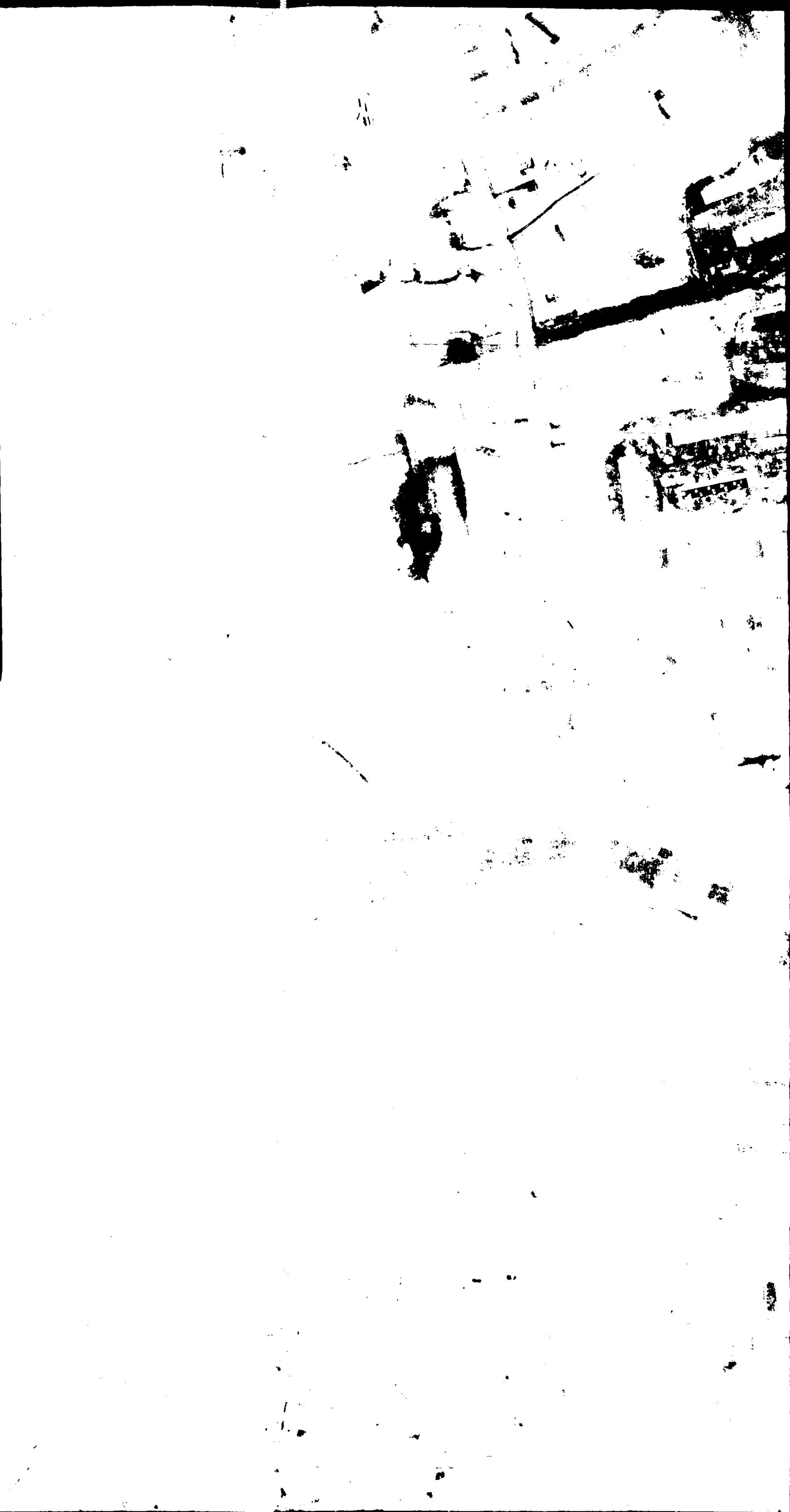
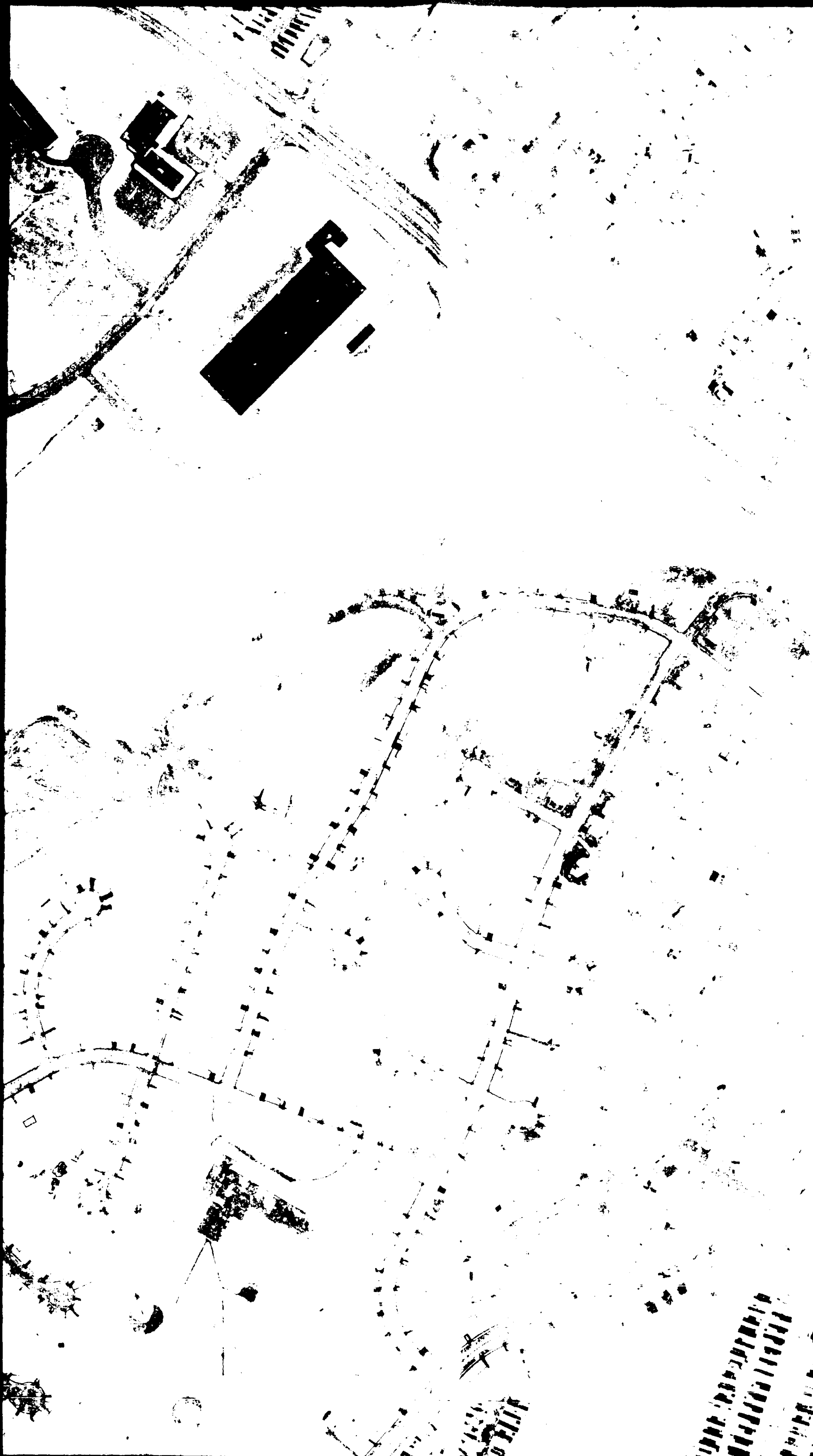
STEEP
SLOPE

92-303-A



PROPOSED
CARPORT





PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	92-303-A	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	MIDDLE RIVER	4-H
		#315